

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION, :

Plaintiff, : 09 Civ. 08261 (DLC) (DF)

-against- : **SCHEDULING ORDER
FOR DAMAGES INQUEST**

IRWIN BOOCK, STANTON B.J. DEFREITAS, :
NICOLETTE D. LOISEL, ROGER L. SHOSS and :
JASON C. WONG, :

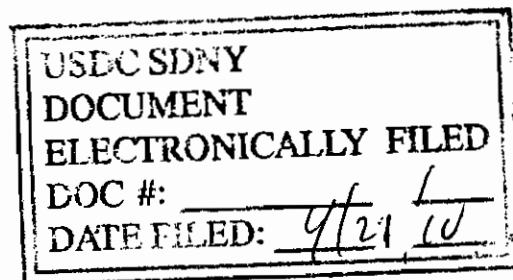
Defendants, :

-and- :

BIRTE BOOCK and 1621566 ONTARIO, INC., :

Relief Defendants. :

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DEBRA FREEMAN, United States Magistrate Judge:

This matter having been referred to me to conduct an inquest and to report and recommend concerning Plaintiff's damages, it is hereby ORDERED that:

1. Plaintiff shall file and serve on defendants Irwin Boock, Stanton B.J. DeFreitas, Birte Boock, and 1621566 Ontario, Inc. (with a courtesy copy to my chambers) Proposed Findings of Fact and Conclusions of Law concerning damages no later than May 21, 2010. Plaintiff shall include with such service a copy of this Order.

2. Plaintiff's Proposed Findings should specifically tie the proposed damages figure(s) to the legal claim(s) on which liability has now been established; should demonstrate how Plaintiff has arrived at the proposed damages figure(s); and should be supported by an affidavit attaching as exhibits and containing an explanation of any documentary evidence that helps establish the proposed damages.

3. Defendants Irwin Boock, Stanton B.J. DeFreitas, Birte Boock, and 1621566 Ontario, Inc. shall submit their responses, if any, to Plaintiff's submission no later than JUNE 21, 2010. IF DEFENDANTS (1) FAIL TO RESPOND TO PLAINTIFF'S SUBMISSIONS, OR (2) FAIL TO CONTACT MY CHAMBERS IN WRITING BY JUNE 21, 2010, TO REQUEST AN IN-COURT HEARING, IT IS MY INTENTION TO ISSUE A REPORT AND RECOMMENDATION CONCERNING DAMAGES ON THE BASIS OF PLAINTIFF'S WRITTEN SUBMISSIONS ALONE WITHOUT AN IN-COURT HEARING. *See Action S.A. v. Marc Rich & Co.*, 951 F.2d 504, 508 (2d Cir. 1991) (Fed. R. Civ. P. 55(b)(2) "allows but does not require . . . a hearing"); *Fustok v. ContiCommodity Servs. Inc.*, 873 F.2d 38, 40 (2d Cir. 1989) ("[I]t [is] not necessary for the District Court to hold a hearing, as long as it ensured that there was a basis for the damages specified in a default judgment.").

Dated: New York, New York
April 21, 2010

SO ORDERED


DEBRA FREEMAN
United States Magistrate Judge

Copies To:

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